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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,700	11/21/2001	Shinpei Okajima	SHM-98-005-5	3833

7590 12/03/2003

DELAND LAW OFFICE
P.O. Box 69
Klamath River, CA 96050-0069

EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,700

Applicant(s)

OKAJIMA ET AL.

Examiner

Frank Vanaman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-72 and 145-156 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 50-59, 145-147, 151 and 152 is/are allowed.
- 6) ☒ Claim(s) 48, 49, 60-63, 70-72, 148, 149, 153 and 154 is/are rejected.
- 7) ☒ Claim(s) 64-69, 150, 155 and 156 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 7, 2003 has been entered.
2. Claims 48-72, and 145-156 are pending.

Claim Rejections - 35 USC § 102

3. The allowability of claims 62, 63, 70-72, and 154 is withdrawn in view of an error in art interpretation by the examiner with respect to the reference to Riepl et al. (US 5,577,757, cited by applicant).
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent.

5. Claims 48, 49, 60, 62, 63, 70-72, 148, 149, 153 and 154 are rejected under 35 U.S.C. 102(e) as being anticipated by Reipl et al. (US 5,577,757, filed in the US 2/15/94). Riepl et al. teach a binding system for a snowboard to attach a boot (1) having a cleat with front (3) and rear (5) tab portions to a front main body (8, 10) and a rear main body (9, 12) both mounted to a fixing plate (7), including an opening (between 11 and 10) for receiving the front tab, and a latch (16) having a tab-receiving notch (21, figure 6) which is pivotally mounted (on 20) for pivotal motion between engaged (solid, figure 6) and release (phantom, figure 6) positions, the latch continuously under the force of a spring (not shown, see col. 4, lines 36-39) in both the release and engaged positions, the latch being engaged by a securing means (22) selectively preventing motion to the release position, and wherein the latch may be pivoted to the release position without the relative position of the rear body or the pivotal mount (20), and

snowboard being changed, and wherein the cleat front portion is lower than the rear portion both when being inserted into the binding (figure 1) as well as when engaged with the binding (figure 2); the system alternatively including an engagement scheme wherein the curved lower face of the rear tab (5) forms a curved bevel to the breadth claimed, and which may engage a top bevel (36) on a latch (16a) to move the latch under the biasing force of the spring (shown as 35) from the engaged position temporarily to a release position to allow insertion of the tab (figure 14)

Claim Rejections - 35 USC § 103

6. The pertinent portions of 35 USC may be found in a previous office action.
7. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Riepl et al. (cited above). The reference to Riepl et al., while teaching that the plate (7) may be mounted to the snowboard, fails to teach the mounting to the snowboard as involving elongate apertures. The use of an elongate aperture to allow mounting adjustment along the direction of elongation is very old and very well known, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use elongate apertures to mount the plate (7) of Riepl et al. to the snowboard, for the purpose of allowing precise adjustment in the positioning of the binding apparatus.

Response to Comments

8. Applicant's comments, filed with the amendment, have been carefully considered. As regards the previous application of the references to Cubberley and Peyre, the examiner agrees that the claims, as now written, define beyond the references. Note the reference to Riepl, cited previously and applied. The examiner apologizes profusely for failing to apply the reference to Riepl et al. in a previous office action, in view of the substantial number of references for consideration presented in the IDS.

Allowable Subject Matter

9. Claims 50-59, 145-147, 151 and 152 are allowed.
10. Claims 64-69, 150, 155 and 156 are objected to as being dependent upon a rejected base claim, but would be allowable if re-written in independent form to include all limitations of the base claim and any intervening claims.

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Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 703-308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is 703-308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326
After Final Amendments: 703-872-9327
Customer Service Communications: 703-872-9325

F. VANAMAN
Primary Examiner
Art Unit 3618



11/24/03